

ROUTING AND TRANSMITTAL SLIP

Date 1-25-84

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REMARKS

RE: THE "FCC AUTHORIZATION ACT"
Pub. L. 98-214, approved Dec. 8, 1983

On Tuesday Rep. John Dingell inserted the attached material in the Congressional Record. It concerns sections 10 thru 13 of the "FCC Authorization Act" (H.R. 2755).

Sec. 10: Certification of technicians
Sec. 11: Amateur radio operator exams
Sec. 12: New technologies
Sec. 13: International conferences

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
Jackson Lee Director of Legislation	Phone No.

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OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

December 19, 1983

Authorization Act of 1983: Implementation Status Report

FCC Authorization Act of 1983: Public Law 98-214

- Analysis of those Sections that impact the FCC
- o Section 2 - Authorization of Appropriations
 - \$91,156,000 authorized for FY's 84 and 85
 - FCC appropriations for these FY's will be within this limit
 - Action required: None
- o Section 4(a) - Modification to Station Licenses
 - Amends Section 316 of Communications Act
 - Amendment requested by FCC
 - Permits FCC to make minor modifications to a radio station license or permit without holding a hearing, if pleadings do not raise any material questions of fact.
 - Action required: None; self-executing.
- o Section 4(b) - Forfeitures in de-licensed radio services
 - Amends Section 503(b)(5) of Communications Act
 - Amendment requested by FCC
 - Clarifys that FCC has authority to levy forfeitures in the first instance against violators in radio services for which an individual license is not required.
 - Action required: None; self-executing.
- o Section 7 - Broadcast regional concentration of ownership
 - Adds Subsection 310(e) to the Communications Act
 - Clarifies that a station which is exempt from regional concentration rules because it is grandfathered shall not lose its grandfathered status if technical changes are made in station facilities.
 - Action required: None; self-executing.
- o Section 8 - Obscene telephone messages
 - Supplements Section 223 of Communications Act to prohibit obscene telephone messages regardless of who initiated the call, if conveyed for commercial purposes and without the person's consent or to a minor. Fine is increased from \$500 to \$50,000. In addition to criminal penalties, the FCC may pursue civil actions which may result in fines.
 - Allows the FCC 180 days to issue procedures to be followed as a means of restricting access to such messages to persons 18 or older. Complaints now pending concerning Section 223 must be acted upon within 90 days.

- Action required: OGC: Commission adopted further NOI and NPRM on 12/14/83. NOI addressed issues not included in the legislation; NPRM addressed regulations/procedures required by statute.
- o Section 9 - Public Safety frequencies
 - Directs FCC to establish a plan to ensure that the needs of public safety authorities are taken into account in spectrum allocations, including consideration of the need for a nation-wide contiguous frequency allocation for public safety purposes.
 - Action Required: PRB: NOI scheduled to be presented to the Commission in the first quarter of calendar year 1984.
- o Section 10 - Certification of Technicians
 - Amends Section 4 of the Communications Act.
 - Allows FCC to permit recognized industry groups to implement a comparable substitute to the present technician licensing system - for technicians servicing the private land mobile service and fixed service.
 - Action Required: FOB: R&O scheduled to be presented to the Commission in late January-early February 1984.
- o Section 11 - Amateur radio operator exams
 - Adds subparagraph 4(f) (4)(J) to Communications Act.
 - Allows that volunteers who administer amateur radio operator exams (other than novice exams) may charge up to \$4 to recover their out-of-pocket expenses. This figure may be adjusted annually for changes in the CPI.
 - Action Required: PRB: NPRM addressing implementation procedures scheduled to be presented to the Commission in the first quarter of calendar year 1984.
- o Section 12 - New technologies
 - Adds Section 7 to the Communications Act.
 - FCC must act within one year on petitions to authorize new technologies.
 - Action Required: OMD: See AMDO memo to MD dated November 29, 1983, which recommended that the MBO/PE staff survey the Bureaus/Offices to determine what petitions of this type we currently have pending. MBO/PE conducting survey.

o Section 13 - International Conferences

- US delegations to ITU radio conferences shall include at least 3 vice chairpersons - from the State Dept., Commerce Dept., and the FCC
- Action Required: None; self-executing.

Q. What will be the impact to the private radio services of the amendments to the Communications Act contained in the FCC Authorization Act of 1983, P.L. 98-214?

A. P.L. 98-214 will have a great impact on the private radio services. Specifically, and by Section of the Act, the impact will be as follows:

- Section 4(b) - Amending Section 503(b)(5) of the Communications Act facilitates enforcement of the de-licensing provisions regarding Citizens Band radio.
- Section 9 - This Section provides that the Commission must establish a plan which adequately ensures that the needs of State and local public safety authorities are taken into account in allocating spectrum, and that, in establishing such a plan, the Commission must review the needs of public safety authorities and consider their need for a nationwide contiguous frequency allocation. The public safety study undertaken by PRB is the first step towards addressing the concerns for public safety enumerated in this Section.
- Section 11 - Amending Section 4(f) of the Communications Act facilitates the use of volunteers for examination purposes and allows them to be reimbursed for out-of-pocket expenses.
- Section 12 - This Section provides for the encouragement of the provision of new technologies and services to the public, and provides a one year time limitation for the determination of whether a petition or application for a new technology or service is in the public interest. PRB is currently analyzing the impact of this Section on private radio services.

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